

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. CV 13-00232 HRL	DATE FILED 1/17/2013	U.S. DISTRICT COURT 280 South First Street, Rm 2112, San Jose, CA 95113
PLAINTIFF INTEL CORP		DEFENDANT BEVINTEL LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <i>21 TMs</i> <i>pgs. 3-9</i>		SEE ATTACHED COMPLAINT
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Betty Walton	DATE January 22, 2013
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8 INTEL CORPORATION
9

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12
13
14 INTEL CORPORATION, a Delaware
corporation,

15 Plaintiff,

16 vs.

17 BEVINTEL, LLC, a Delaware limited liability
18 company, and DOES 1-25,

19 Defendants.
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**ORIGINAL
FILED**

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RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HRL

Case No.

C 13

0232

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

1 Plaintiff Intel Corporation ("Intel") alleges as follows:

2 1. This action arises from unauthorized use of the trade name and trademark BEVINTEL
3 in connection with integrated hardware and software for inventory management services by Defendant
4 Bevintel, LLC ("Bevintel").



11 2. By using a trade name and trademark that wholly incorporate and emphasize the world
12 famous INTEL® trademark, Bevintel has caused and will likely continue to cause confusion that Intel
13 is the source or sponsor of Bevintel's services, or that there is an association between Intel and
14 Bevintel. In addition, Bevintel's acts are causing, and/or will likely cause, dilution of the INTEL®
15 trademark. Consequently, Intel seeks injunctive relief and damages under the federal Lanham Act (15
16 U.S.C. §§ 1051, *et seq.*), the California Business and Professions Code, and the common law doctrines
17 of passing off and unfair competition.

18 **I. JURISDICTION**

19 3. This Court has personal jurisdiction over Bevintel because, on information and belief,
20 Bevintel conducts or has conducted business, as well as advertised and promoted its goods and
21 services, in the State of California and within this judicial district, and the effects of those acts have
22 been felt in this district. On information and belief, Bevintel authorizes use of the BEVINTEL mark
23 by licensees and franchisees in San Jose, California and other locations within this judicial district.

24 4. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C.
25 §§ 1331, 1332, 1338 and 1367. Intel's claims are, in part, based on violations of the Lanham Act, as
26 amended, 15 U.S.C. §§ 1051, *et seq.* The Court has jurisdiction over the state law claims pursuant to
27 28 U.S.C. §§ 1332, 1338(b), and 1367.

1 **II. INTRADISTRICT ASSIGNMENT**

2 5. This is an intellectual property action and therefore shall be assigned on a district-wide
3 basis per Civil L.R. 3-2(c).

4 **III. THE PARTIES**

5 6. Plaintiff Intel Corporation is a Delaware corporation having its principal place of
6 business at 2200 Mission College Boulevard, Santa Clara, California. Intel offers a wide variety of
7 goods and services, which are sold worldwide and throughout the United States, including in the
8 Northern District of California.

9 7. On information and belief, Defendant Bevintel, LLC is a Delaware limited liability
10 company with its principal place of business at 12910 Shelbyville Road, Suite 306 Louisville,
11 Kentucky. On information and belief Bevintel offers integrated hardware and software to manage
12 inventory of alcoholic beverages, as well as related consulting services. On information and belief,
13 Bevintel promotes its goods and services online at bevintel.com, bevinco.com and intelitap.com. On
14 information and belief, Bevintel targets consumers nationwide via its website, including consumers in
15 California, and has consumers and authorized licensees and franchisees in this State and in this district.

16 8. Intel remains ignorant of the true names of Defendants sued herein as Does 1-25, which
17 are fictitious names for licensees and franchisees of Bevintel. On information and belief, Does 1-25
18 have participated in the activities described herein at the direction and subject to the control of
19 Bevintel. Intel has not been able to identify Does 1-25 because it does not have full access to
20 information regarding all of Bevintel's licensees and franchisees. Intel will amend its Complaint as
21 promptly as discovery permits it to identify all applicable Does.

22 **IV. INTEL'S BUSINESS AND MARKS**

23 9. Intel is a world-famous company that develops, manufactures and sells a wide variety of
24 computer, communications and Internet-related products and services. Intel's customers include
25 individual consumers, governments, schools and businesses, including restaurants and bars.

26 10. For over forty years, Intel has used INTEL as a trade name, trademark and service mark
27 to identify virtually its entire line of products and services. INTEL is one of the most valuable,
28 respected and famous names and trademarks in the world. Indeed, in 2012, the INTEL brand was

1 ranked 8th in the world in Interbrand's Best Global Brands survey, with an estimated value of over \$39
2 billion.

3 11. Intel technology is ubiquitous. Intel creates products and technologies that have
4 become essential parts of governments, businesses, schools, and homes everywhere. Intel's
5 performance is frequently cited as a bellwether of the business economy both domestically and abroad.

6 12. Retail customers, including restaurants and other food service establishments, use Intel
7 technology to improve retail sales through tracking and inventory management. For example, certain
8 restaurants and other food service establishments use INTEL technology-based local transaction
9 systems to track their food and supply stocks for onsite and remote access by individual restaurant
10 locations and corporate staff. Intel-based systems deliver timely information that allows such
11 restaurants to make quick adjustments to their menus, staffing, and inventory. If one restaurant
12 location is running low on an item – for example, beer, ingredients, or napkins – Intel-based systems
13 can help it discover what replacement goods are available at other nearby locations for re-delivery.
14 Relevant customers therefore associate the INTEL brand with such hardware and software products
15 that improve retail sales tracking and inventory management.

16 13. Intel uses INTEL as its "house mark" on or in connection with virtually every product
17 and service it sells. In 2011 alone, Intel sold over \$52 billion of INTEL-branded products and services.

18 14. Intel is the owner of numerous U.S. trademark registrations for the mark INTEL,
19 including the following:

20 a. Intel is the owner of U.S. Trademark Registration Nos. 914,978 and 938,772 issued
21 on June 15, 1971 and July 25, 1972, respectively, for the mark INTEL for use in connection with
22 integrated circuits, registers and semiconductor memories and equipment for the testing and
23 programming thereof. These registrations, duly and legally issued by the United States Patent and
24 Trademark Office, are valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the
25 notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. Copies of these
26 registrations are attached hereto as Exhibits A and B.

27 b. Intel is the owner of U.S. Trademark Registration No. 939,641 issued on August 1,
28 1972 for the mark INTEL for use in connection with integrated circuits, registers, and semiconductor

1 memories. This registration, duly and legally issued by the United States Patent and Trademark
2 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
3 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
4 attached hereto as Exhibit C.

5 c. Intel is the owner of U.S. Trademark Registration No. 1,022,563, issued on October
6 14, 1975, for the mark INTEL for use in connection with microcomputers, microcontrollers, and
7 microprocessors. This registration, duly and legally issued by the United States Patent and Trademark
8 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
9 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
10 attached hereto as Exhibit D.

11 d. Intel is the owner of U.S. Trademark Registration No. 1,723,243, issued on
12 October 13, 1992, for the mark INTEL for use in connection with metal key rings, watches, note paper,
13 note cards, posters, microprocessor chip die plot prints as art prints, pencils, ball point pens, ink pens
14 and stationery folders; plastic key chain tags; mugs and water bottles sold empty, jigsaw puzzles, golf
15 balls, golf tees and golf ball markers. This registration, duly and legally issued by the United States
16 Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065.
17 Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy
18 of this registration is attached hereto as Exhibit E.

19 e. Intel is the owner of U.S. Trademark Registration No. 1,725,692, issued on
20 October 20, 1992, for the mark INTEL for use in connection with, among other things, sports bags,
21 gym bags and carry-on bags; towels, and clothing. This registration, duly and legally issued by the
22 United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15
23 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. §
24 1111. A copy of this registration is attached hereto as Exhibit F.

25 f. Intel is the owner of U.S. Trademark Registration No. 2,171,778, issued on July 7,
26 1998, for the mark INTEL for use in connection with, among other things, computer operating system
27 software, computer hardware, integrated circuits, integrated circuit chips, microprocessors, printed
28 circuit boards, video circuit boards, audio-video circuit boards, video graphic accelerators, multimedia

1 accelerators, video processors, computer hardware and software for the development, maintenance, and
2 use of interactive audio-video computer conference systems, and computer hardware and software for
3 the receipt, display and use of broadcast video, audio and data signals. This registration, duly and
4 legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable
5 pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant
6 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit G.

7 g. Intel is the owner of U.S. Trademark Registration No. 2,194,121 issued on
8 October 6, 1998, for the mark INTEL for use in connection with, among other things, printed
9 materials, namely, books, magazines, newsletters, journals, operating manuals, users guides,
10 pamphlets, and brochures about, for use with and directed to users of, computer operating system
11 software; computer operating programs; computer system tools; computer application software;
12 computer hardware; computer components; integrated circuits; microprocessors; computer memory
13 devices; video graphic accelerators; multimedia accelerators; video processors; and fax/modems. This
14 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,
15 subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, "®,"
16 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as
17 Exhibit H.

18 h. Intel is the owner of U.S. Trademark Registration No. 2,251,962 issued on June 8,
19 1999, for the mark INTEL for use in connection with clocks, jewelry, cuff links, key chains, necklaces,
20 necktie fasteners, lapel pins, pendants, piggy banks, trophies and watches. This registration, duly and
21 legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable
22 pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant
23 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit I.

24 i. Intel is the owner of U.S. Trademark Registration No. 2,251,961 issued on June 8,
25 1999, for the mark INTEL for use in connection with binders, bookends, boxes for pens, calendars,
26 tablets, note cards, self-adhesive pads, desk pads, and calendar pads, pens, pencils, folders,
27 paperweights, pen and pencil holders, photograph stands, erasers, markers, desk sets, and desk
28 organizers. This registration, duly and legally issued by the United States Patent and Trademark

1 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
2 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
3 attached hereto as Exhibit J.

4 j. Intel is the owner of U.S. Trademark Registration No. 2,250,491 issued on June 1,
5 1999, for the mark INTEL for use in connection with travel bags, luggage, school bags, back packs,
6 beach bags, duffel bags, fanny packs, and umbrellas. This registration, duly and legally issued by the
7 United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15
8 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. §
9 1111. A copy of this registration is attached hereto as Exhibit K.

10 k. Intel is the owner of U.S. Trademark Registration No. 2,254,525 issued on June 15,
11 1999, for the mark INTEL for use in connection with T-shirts, shirts, jackets, headwear, hats, polo
12 shirts, and infant rompers. This registration, duly and legally issued by the United States Patent and
13 Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the
14 notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this
15 registration is attached hereto as Exhibit L.

16 l. Intel is the owner of U.S. Trademark Registration No. 2,261,531 issued on July 13,
17 1999, for the mark INTEL for use in connection with toys, dolls, bean bags, and Christmas tree
18 ornaments. This registration, duly and legally issued by the United States Patent and Trademark
19 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of
20 registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is
21 attached hereto as Exhibit M.

22 m. Intel is the owner of U.S. Trademark Registration No. 2,276,580 issued on
23 September 7, 1999 for the mark INTEL for use in connection with mugs and sports bottles. This
24 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,
25 subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, "®,"
26 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as
27 Exhibit N.

1 n. Intel is the owner of U.S. Trademark Registration No. 2,446,693, issued on
2 April 24, 2001, for the mark INTEL for use in connection with, among other things, computers,
3 computer hardware, software for use in operating and maintaining computer systems, microprocessors,
4 integrated circuits, computer chipsets, computer motherboards, computer graphics boards, and
5 computer networking hardware. This registration, duly and legally issued by the United States Patent
6 and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses
7 the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this
8 registration is attached hereto as Exhibit O.

9 o. Intel is the owner of U.S. Trademark Registration No. 2,462,327, issued on June 19,
10 2001, for the mark INTEL for use in connection with, among other things, computer hardware and
11 software for use in imaging and photographic applications. This registration, duly and legally issued
12 by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15
13 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C.
14 § 1111. A copy of this registration is attached hereto as Exhibit P.

15 p. Intel is the owner of U.S. Trademark Registration No. 2,585,551, issued on June 25,
16 2002, for the mark INTEL for use in connection with, among other things, computer hardware
17 installation and repair services; arranging and conducting educational conferences and seminars in the
18 fields of computers, telecommunications, and computer networking, and distributing course materials
19 in connection therewith; development, publishing and dissemination of educational materials in the
20 fields of computers, telecommunications and computer networking for others; interactive and non-
21 interactive computer education training services; providing information via global computer network
22 in the fields of education and entertainment; provision of interactive and non-interactive electronic
23 information services on a wide variety of topics; development of local and wide area computer
24 networks for others; computer web site design services; computer software design for others;
25 development of interactive and non-interactive web pages for the global computer network for others;
26 providing on-line newspapers, magazines, instructional manuals in the fields of technology,
27 entertainment, education and business; and development, maintenance, and provision of interactive and
28 non-interactive electronic bulletin boards services in the fields of entertainment and education. This

1 registration, duly and legally issued by the United States Patent and Trademark Office, is valid and
2 subsisting. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C.
3 § 1111. A copy of this registration is attached hereto as Exhibit Q.

4 q. Intel is the owner of U.S. Trademark Registration No. 2,742,174, issued on July 29,
5 2003, for the mark INTEL for use in connection with, among other things, installation, repair,
6 maintenance, support and consulting services for computer-related and communications-related goods;
7 providing on-line publications, namely, books, brochures, white papers, catalogs and pamphlets in the
8 fields of computer and information technology; and designing and developing standards for others in
9 the design and implementation of computer software, computer hardware and telecommunications
10 equipment. This registration, duly and legally issued by the United States Patent and Trademark
11 Office, is valid and subsisting. Intel uses the notice of registration, "®," with its INTEL mark pursuant
12 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit R.

13 r. Intel is the owner of U.S. Trademark Registration No. 3,029,954, issued on
14 December 13, 2005, for the mark INTEL for use in connection with, among other things,
15 semiconductor and microprocessor cartridges; internet and web servers; internet and web caching
16 servers; wireless and remote computer peripherals; computer hardware and software for enabling web
17 portals; computer hardware and software for digital encryption, identification and certification;
18 computer hardware and software to enable remote encrypted networking; computer hardware and
19 software to enable secure data transmission via networks, the internet and world wide web; and
20 computer consultation services, namely, web design and development services. This registration, duly
21 and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses
22 the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this
23 registration is attached hereto as Exhibit S.

24 s. Intel is the owner of U.S. Trademark Registration No. 3,136,102, issued on August
25 29, 2006, for the mark INTEL for use in connection with telecommunication services, namely,
26 electronic and digital transmission of data, documents, audio and video via computer terminals. This
27 registration, duly and legally issued by the United States Patent and Trademark Office, is valid and
28

1 subsisting. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C.
2 § 1111. A copy of this registration is attached hereto as Exhibit T.

3 t. Intel is the owner of U.S. Trademark Registration No. 3,173,391, issued on
4 November 21, 2006, for the mark INTEL for use in connection with telecommunications consulting
5 services. This registration, duly and legally issued by the United States Patent and Trademark Office,
6 is valid and subsisting. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15
7 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit U.

8 15. In addition to using INTEL as a trade name, a trademark, and a service mark, Intel also
9 owns a large family of marks that incorporate INTEL as a prominent component of the mark. For
10 example, in 1991, Intel developed and launched a cooperative advertising and licensing program
11 referred to as the "Intel Inside® Program." As part of this program, Intel licensed the INTEL mark to
12 PC manufacturers to communicate to the end customer that the manufacturers' products, such as
13 personal desktop computers, laptop computers and workstations, were designed with genuine Intel
14 microprocessors. Among Intel's many thousands of OEM ("Original Equipment Manufacturers")
15 licensees worldwide are giants of the computer industry such as Dell, Gateway, Hewlett-Packard,
16 IBM, and Sony. Intel's OEM licensees have sold many billions of dollars worth of computer products
17 bearing the INTEL marks. The combined advertising expenditure by Intel and Intel's licensees under
18 the INTEL mark has averaged over one billion dollars for each of the last few years. Through
19 extensive advertising and promotion by Intel and its licensees, advertisements reflecting the INTEL
20 mark have most likely created billions of impressions.

21 16. Intel is the owner of numerous U.S. trademark registrations for the INTEL INSIDE
22 mark, including Reg. No. 1,705,796 and Reg. No. 2,179,209. Copies of these registrations are attached
23 hereto as Exhibits V and W.

24 17. Intel owns many other U.S. trademark registrations for its family of INTEL formative
25 marks. These include: INTEL CORE, INTEL VPRO, INTEL ATOM, INTEL APPUP, and INTEL
26 INTRU. Copies of these registrations are attached hereto as Exhibits X through DD.

27 18. Intel is also the owner of a California trademark registration for the mark INTEL (CA
28 Reg. No. 114722). A copy of this registration is attached hereto as Exhibit EE.

1 19. Through its extensive use, Intel also owns common law trademark rights in INTEL and
2 its family of INTEL formative marks, for all of the goods and services and activities identified herein.

3 20. Intel maintains an online presence at intel.com. Intel uses its trade name and trademark
4 as a web address in order to make it easy for customers to locate Intel's web site, and to identify that
5 the web site is owned by Intel. Intel's web site features the INTEL marks and many other INTEL
6 composite marks.

7 21. As a consequence of the extensive sales, advertising, promotion, and use of the INTEL
8 and INTEL formative trademarks, Intel has developed enormous recognition for its products and
9 services under the INTEL mark and has acquired and enjoys an immensely valuable reputation and
10 tremendous goodwill under the mark. The INTEL mark is world renowned, and is a "famous" mark
11 for purposes of 15 U.S.C. § 1125(c)(1).

12 **V. BEVINTEL'S BUSINESS**

13 22. Intel is informed and believes that Bevintel offers integrated hardware and software to
14 manage inventory of alcoholic beverages, as well as related consulting services. Intel is informed and
15 believes that Bevintel offers and provides its goods services to consumers through licensees and
16 franchisees in the State of California, including in San Jose, California.

17 23. The BEVINTEL trade name and the BEVINTEL trademark wholly incorporate and
18 emphasize the INTEL trademark, adding only "BEV," a descriptive abbreviation for beverage.
19 Specifically, the term "BEV" describes the beverage monitored by Bevintel software. Bevintel further
20 emphasizes the INTEL element of its marks through selective use of capitalization and coloration, as
21 shown in the image on page one, above.

22 24. Despite Intel's numerous attempts to resolve the dispute amicably, Bevintel has
23 persisted in using the BEVINTEL trade name and the BEVINTEL trademark, leaving Intel no choice
24 but to file this Complaint.

25 **VI. PROCEDURAL BACKGROUND**

26 25. Bevintel applied to register the mark BEVINTEL HOSPITALITY PROFIT SYSTEMS
27 (and design) (App. Serial No. 85370054) with the United States Patent and Trademark Office
28 ("USPTO") on July 13, 2011, and the mark published for opposition in the Official Gazette on January

1 17, 2012. Bevintel applied to register the mark BEVINTEL (App. Serial No. 85376731) on July 20,
2 2011, and the mark published for opposition in the Official Gazette on December 20, 2011. Each
3 application seeks to register the corresponding trademark for "conducting inventory audits and
4 inventory monitoring of alcoholic beverages for restaurants and bars."

5 26. On June 14, 2012, Intel filed a consolidated notice of opposition to App. Serial No.
6 85370054 and App. Serial No. 85376731 with the Trademark Trial and Appeal Board. The resulting
7 opposition is currently pending.

8
9 **FIRST CAUSE OF ACTION**
10 **TRADEMARK INFRINGEMENT**
11 **(15 U.S.C. § 1114)**

12 27. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs
13 1 through 26 of this Complaint.

14 28. Upon information and belief, Bevintel and its licensees and franchisees were aware of
15 Intel's business and its INTEL mark prior to the adoption and use of the BEVINTEL trade name and
16 the BEVINTEL trademark.

17 29. Bevintel and its licensees and franchisees either had actual notice and knowledge, or
18 had constructive notice, of Intel's ownership and registrations of the INTEL mark pursuant to 15
19 U.S.C. § 1072 prior to Bevintel's adoption and use of the BEVINTEL trade name and the BEVINTEL
20 trademark.

21 30. Bevintel is using the BEVINTEL trade name and the BEVINTEL trademark, in
22 connection with the sale of its products and services without consent, personally and through its
23 licensees and franchisees, and with knowledge of Intel's rights.

24 31. Such unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark
25 falsely indicates to consumers that Bevintel's products and services are in some manner connected
26 with, sponsored by, affiliated with, or related to Intel, Intel's licensees, or the goods and services of
27 Intel and Intel's licensees.
28

1 32. Such unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark is
2 also likely to cause consumers to be confused as to the source, nature and quality of the products and
3 services Bevintel and its licensees and franchisees are promoting and selling.

4 33. Such unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark in
5 connection with the sale of products and services allows, and will continue to allow, Bevintel to
6 receive the benefit of the goodwill established at great labor and expense by Intel and to gain
7 acceptance of the goods and services of Bevintel and its licensees and franchisees, not based on the
8 merits of those goods or services, but on Intel's reputation and goodwill.

9 34. Such unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark in
10 connection with the sale and use of goods and services deprives Intel of the ability to control the
11 consumer perception of the quality of the goods and services marketed under the INTEL mark, and
12 places Intel's valuable reputation and goodwill in the hands of others over which Intel has no control.

13 35. Bevintel and its licensees and franchisees have caused confusion and are likely to cause
14 further confusion, or to cause mistake, or to deceive consumers or potential consumers in violation of
15 15 U.S.C. § 1114.

16 36. Intel has been, is now, and will be irreparably injured and damaged by such trademark
17 infringement, and unless enjoined by the Court, Intel will suffer further harm to its name, reputation
18 and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at law.

19
20 **SECOND CAUSE OF ACTION**
21 **FALSE DESIGNATION OF ORIGIN**
22 **(15 U.S.C. § 1125(A))**

23 37. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs
24 1 through 36 of this Complaint.

25 38. Such unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark
26 falsely suggests that the products and services and its licensees and franchisees are connected with,
27 sponsored by, affiliated with, or related to Intel, and constitutes a false designation of origin in
28 violation of 15 U.S.C. § 1125(a).

39. Intel has been, is now, and will be irreparably injured and damaged by the aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name, reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at law.

**THIRD CAUSE OF ACTION
FEDERAL TRADEMARK DILUTION
(15 U.S.C. § 1125(C))**

40. Intel realleges and incorporates herein by reference the matters alleged in paragraphs 1 through 39 of this Complaint.

41. The INTEL mark is world-renowned. It is a famous mark that is widely recognized by consumers, businesses and industry, and that identifies the products and services of Intel in the minds of consumers.

42. The unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark by BevinTEL and its licensees and franchisees began after Intel's mark had become famous.

43. Such unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark has, and will continue to have, an adverse effect upon the value and distinctive quality of the INTEL mark. Such acts blur and whittle away at the distinctiveness and identity-evoking quality of the INTEL mark. Such acts have diluted and are likely to continue diluting the famous INTEL mark in violation of 15 U.S.C. § 1125(c).

44. Intel has been, is now, and will be irreparably injured and damaged by the aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name, reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at law.

**FOURTH CAUSE OF ACTION
INJURY TO BUSINESS REPUTATION AND
DILUTION UNDER CALIFORNIA LAW
(CAL. BUS. & PROF. CODE §14247)**

45. Intel realleges and incorporates herein by reference the matters alleged in paragraphs 1 through 44 of this Complaint.

1 46. The unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark by
2 Bevintel and its licensees and franchisees is likely to injure Intel's business reputation, and has diluted,
3 and/or is likely to dilute, the distinctive quality of the INTEL mark and trade name in violation of the
4 California Business and Professions Code §14247.

5 47. Bevintel and its licensees and franchisees willfully intended to trade on Intel's image
6 and reputation and to dilute the INTEL trademark, acted with reason to know, or were willfully blind
7 as to the consequences of their actions.

8 48. Such wrongful acts have caused and will continue to cause Intel irreparable harm. Intel
9 has no adequate remedy at law for such dilution.

10 49. Intel is therefore entitled to a judgment enjoining and restraining Bevintel and its
11 licensees and franchisees from engaging in further acts of dilution pursuant to California Business and
12 Professions Code § 14247.

13
14 **FIFTH CAUSE OF ACTION**
15 **INFRINGEMENT UNDER CALIFORNIA LAW**
 (CAL. BUS. & PROF. CODE § 14245)

16 50. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs
17 1 through 49 of this Complaint.

18 51. The unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark by
19 Bevintel and its licensees and franchisees, in connection with the sale, offering for sale, distribution or
20 advertising of their products and services is likely to cause confusion or mistake or to deceive as to the
21 source or origin of their goods and/or services in violation of California Business and Professions Code
22 § 14245.

23 52. Upon information and belief, such infringement has been with knowledge of Intel's
24 rights.

25 53. Intel has been, is now, and will be irreparably injured and damaged by the
26 aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,
27 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at
28 law.

1 **SIXTH CAUSE OF ACTION**
2 **COMMON LAW PASSING OFF**
3 **AND UNFAIR COMPETITION**

4 54. Intel realleges and incorporates herein by reference the matters alleged in paragraphs
5 1 through 53 of this Complaint.

6 55. The unauthorized use of the BEVINTEL trade name and the BEVINTEL trademark by
7 Bevintel and its licensees and franchisees, constitutes passing off and unfair competition of the INTEL
8 mark in violation of the common law of California.

9 56. Such wrongful acts have caused and will continue to cause Intel irreparable harm. Intel
10 has no adequate remedy at law.

11 57. Intel is entitled to a judgment enjoining and restraining Bevintel and its licensees and
12 franchisees from engaging in further acts of infringement and unfair competition.

13 **SEVENTH CAUSE OF ACTION**
14 **UNFAIR COMPETITION**
15 **(CAL. BUS & PROF. CODE § 17200)**

16 58. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs 1
17 through 57 of this Complaint.

18 59. The acts described above constitute unfair competition in violation of California
19 Business and Professional Code § 17200 et seq., as they are likely to deceive the public.

20 60. The acts of unfair competition have caused and will continue to cause Intel irreparable
21 harm. Intel has no adequate remedy at law for Bevintel's unfair competition.

22 61. Intel is entitled to a judgment enjoining and restraining Bevintel and its licensees and
23 franchisees from engaging in further unfair competition.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Intel prays for relief as follows:

26 1. Entry of an order and judgment requiring that Bevintel and its agents, servants,
27 employees, owners and representatives, and all other persons, firms or corporations in active concert or
28 participation with it, specifically including Does 1-25, be enjoined and restrained from (a) using in any
manner the INTEL mark, or any name, mark or domain name that wholly incorporates the INTEL

1 mark or is confusingly similar to or a colorable imitation of this mark; (b) doing any act or thing
2 calculated or likely to cause confusion or mistake in the minds of members of the public, or
3 prospective customers of Intel's products or services, as to the source of the products or services
4 offered for sale, distributed, or sold, or likely to deceive members of the public, or prospective
5 customers, into believing that there is some connection between Bevintel and Intel; and (c) committing
6 any acts which will tarnish, blur, or dilute, or will likely tarnish, blur, or dilute the distinctive quality of
7 the famous INTEL mark;

8 2. A judgment ordering Bevintel and Does 1-25, pursuant to 15 U.S.C. § 1116(a), to file
9 with this Court and serve upon Intel within thirty (30) days after entry of the injunction, a report in
10 writing under oath setting forth in detail the manner and form in which they have complied with the
11 injunction, and ceased all sales of goods and services under the BEVINTEL trade name and
12 BEVINTEL trademark, as set forth above;

13 3. A judgment ordering Bevintel and Does 1-25, pursuant to 15 U.S.C. § 1118, to deliver
14 up for destruction, or to show proof of said destruction or sufficient modification to eliminate the
15 infringing matter, all articles, packages, wrappers, products, displays, labels, signs, vehicle displays or
16 signs, circulars, kits, packaging, letterhead, business cards, promotional items, clothing, literature, sales
17 aids, receptacles or other matter in the possession, custody, or under the control of Bevintel or its
18 agents bearing the trademark INTEL in any manner, or any mark that is confusingly similar to or a
19 colorable imitation of this mark, including without limitation the BEVINTEL trade name, and
20 BEVINTEL trademark, both alone and in combination with other words or terms;

21 4. A judgment ordering Bevintel and Does 1-25 to take all steps necessary to cancel any
22 trademark application or registration they may have in the U.S. that includes the letter string INTEL,
23 specifically including App. Serial No. 85370054 and App. Serial No. 85376731;

24 5. A judgment ordering Bevintel and Does 1-25 to take all steps necessary to cancel or
25 transfer to Intel, in Intel's sole discretion, the bevintel.com domain name, and any other domain name
26 including the word INTEL in the possession or control of Bevintel or Does 1-25, and to remove all
27 references to INTEL from all of their other websites, if any;

28

1 6. A judgment in the amount of Intel's actual damages, the profits of Bevintel and Does 1-
2 25, Intel's reasonable attorneys' fees and costs of suit, and pre-judgment interest pursuant to 15 U.S.C.
3 §1117;

4 7. A judgment for enhanced damages under 15 U.S.C. §1117 and punitive damages under
5 state law as appropriate; and

6 8. A judgment granting Intel such other and further relief as the Court deems just and
7 proper.

8 Dated: January 17, 2013

Respectfully submitted,

HARVEY SISKIND LLP
IAN K. BOYD
DONALD A. THOMPSON

By: 

Ian K. Boyd

Attorneys for Plaintiff
INTEL CORPORATION

1 **CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

2 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named
3 parties, there is no such interest to report.

4 Dated: January 17, 2013

Respectfully submitted,

6 HARVEY SISKIND LLP
7 IAN K. BOYD
8 DONALD A. THOMPSON

9 By: 

Ian K. Boyd

10 Attorneys for Plaintiff
11 INTEL CORPORATION
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1 **DEMAND FOR JURY TRIAL**

2 Intel hereby demands trial by jury of all issues so triable.

3 Dated: January 17, 2013

Respectfully submitted,

4 HARVEY SISKIND LLP
5 IAN K. BOYD
6 DONALD A. THOMPSON

7
8 By: 

Ian K. Boyd

9 Attorneys for Plaintiff
10 INTEL CORPORATION
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